

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOCKET
D/F
BROOKLYN OFFICE

RUI XIANG HAUNG and SIEW CHOO LIM
On behalf of themselves and others similarly situated,

Plaintiffs,

-against-

J&A ENTERTAINMENT INC. d/b/a GOLDEN
GLOBAL TRAVEL and AI XIA ZHAN,

Defendants.

X : 09-CV-5587 (ARR) (VVP)

X : NOT FOR ELECTRONIC
OR PRINT PUBLICATION

X : ORDER

X

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated December 3, 2012, from the Honorable Viktor V. Pohorelsky, United States Magistrate Judge. Dkt. # 101. In his conclusion, Judge Pohorelsky warned that “[f]ailure to file objections within the specified time waives the right to appeal any judgment or order entered by the District Court in reliance on this Report and Recommendation.” Id. at 17-18 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)). Neither party has filed any objections.

“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002); accord Jeffries v. Verizon, No. 10-CV-2686 (JFB)(AKT), 2012 WL 4344188, at *1 (Sept. 21, 2012) (“Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the report and recommendation without de novo review.”); see Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to

require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). Furthermore, I have not identified any plain error in the Report and Recommendation upon review of the record. See, e.g., Jeffries, 2012 WL 4344188, at *1 ("[B]ecause the failure to file timely objections is not jurisdictional, the district judge can still excuse the failure to object in a timely manner and exercise its discretion to decide the case on the merits to, for example, prevent plain error.").

I therefore adopt Judge Pohorelsky's Report and Recommendation in its entirety. Accordingly, I grant defendants' motion for summary judgment on plaintiff's defamation and tortious interference claim, but otherwise deny the parties' cross motions for summary judgment.

SO ORDERED.

/s/((ARR)

Allyne R. Ross
United States District Judge

Dated: January 15, 2012
Brooklyn, New York